



NOTE: This order is nonprecedential.

United States Court of Appeals for the Federal Circuit

2010-1534

THE MEDICINES COMPANY,

Plaintiff-Appellee,

v.

DAVID J. KAPPOS, Undersecretary of Commerce for Intellectual Property
and Director, United States Patent and Trademark Office,
UNITED STATES PATENT AND TRADEMARK OFFICE,
MARGARET A. HAMBURG, Commissioner,
United States Food and Drug Administration,
UNITED STATES FOOD AND DRUG ADMINISTRATION,
KATHLEEN SEBELIUS, Secretary of Health and Human Services,
and DEPARTMENT OF HEALTH AND HUMAN SERVICES,

Defendants,

v.

APP PHARMACEUTICALS, LLC,

Movant-Appellant,

and

UNITED STATES,

Intervenor.

Appeal from the United States District Court for the Eastern District of Virginia in case
no. 10-CV-0286, Senior Judge Claude M. Hilton.

ON MOTION

ORDER

Upon consideration of the parties' agreed motion to dismiss the appeal pursuant to Fed. R. App. P. 42(b),*

IT IS ORDERED THAT:

- (1) The motion is granted.
- (2) Each side shall bear its own costs.

FOR THE COURT

JAN 24 2012

Date

Jan Horbaly
Jan Horbaly
Clerk

cc: Emily A. Evans, Esq.
Peter D. Keisler, Esq.
Edward Himmelfarb, Esq.

FILED
U.S. COURT OF APPEALS FOR
THE FEDERAL CIRCUIT

JAN 24 2012

JAN HORBALY
CLERK

ISSUED AS A MANDATE: JAN 24 2012

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OF THE ORIGINAL ON FILE.
UNITED STATES COURT OF APPEALS
FOR THE FEDERAL CIRCUIT
By: *Jane Benjamin* Date: 1/24/2012

We note that the parties' request that this dismissal be with prejudice, however, it is not the practice of this court to dismiss with or without prejudice.